



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,734	04/01/2004	Claude L. Clark	1584CIP	7201
7590	07/26/2006		EXAMINER	
Mark C. Jacobs, Esq. 3033 El Camino Avenue Sacramento, CA 95821-6014			KUMAR, RAKESH	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/814,734	CLARK, CLAUDE L.
	<b>Examiner</b>	<b>Art Unit</b>
	Rakesh Kumar	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Application filed 04/01/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Member (10) referred to as a module not disclosed in the drawings.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Member elements 127 and 321 not discloses in the specifications.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: Member elements 127 and 321 not discloses in the specifications. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 4,821,917).

Referring to claim 1. Brown discloses a process for accessing small items (video tape cassette; *not shown*; Col. 2 line 63) disposed in a cartridge (11; Figure 1) of a module (1) holding a plurality of cartridges (11) in slots (space in between member 10), wherein a plurality of modules (Figure 3) are disposed in a cabinet (44), said cabinet (44) including an actuating means (34) electrically connected (39; Col 3 lines 30-37) to each cartridge slot (Figure 2), which process comprises:

(a) inputting an access code or access mode (activating signal sent by the circuit board) to send a signal to a cartridge selector (controller; 39) in the cabinet (44) to release a specific cartridge (11) by energizing a solenoid (34) to disengage a latch (32) from the specific cartridge (11) previously selected,

(b) removing the cartridge (11; when spring 28 drives the cartridge out of the module; Figure 1) now unlatched to empty the contents therefrom,

- (c) emptying the contents (remove item from the cartridge 11) from the selected cartridge,
- (d) replacing the cartridge back into its slot (10) in its module (1) and re-latching the cartridge.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown.

Referring to claim 5. See above. Brown discloses a process for gaining access to a specific member of a series of modules (1) adapted to be retained linearly in a column (48) or row (46), all of which modules (1) are mounted to a faceplate (see front face wall of cabinet 44; Figure 3), said faceplate having a plurality of openings corresponding in size and number to the total number of cartridge slots of all of the modules (1), each opening aligned with each slot, said faceplate being attached to the series of modules (1), each module having a series of adjacent cartridge slots (see slots 10 disposed adjacent to each other; Figure 1) for receipt of a cartridge (11) to hold small items, each cartridge (11) having a rear latch (30) receiver, which process comprises moving a solenoid (34) operated latching means (32) for each cartridge slot (space in

between member 10) from a first position (when member 32 is positioned in opening 30) upward to a second position (when member 32 is moved out of opening 30) by energizing (signal from controller) said solenoid (34); said latching means (32) being in engagement with a latch receiver (30) on a respective cartridge (11; see member 18; Figure 1) when said cartridge (11) is disposed in its cartridge slot (space in between member 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Brown to include a further removable section, comprising a series of modules disposed in a box to compose a single row (46; Figure 3; Brown) of a series of modules fitted within the cabinet of the dispenser because the modular design would provide for easier means to connect unit the box to the main computer controller with a single connection.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown as applied to claim 1 above, and further in view of Kanoh et al. (US 5,927,544).

Referring to claims 2 and 6. See Brown above. Kanoh discloses a process for accessing small items (9) in a secure storage module (4), which process comprises;

- (a) inserting a source of monetary value selected from paper money, coins, a debit card and a credit card into an access point to (23,26 and 25),
- (b) create an electronic signal (ST3; *selection to be made by using keyboard 21; Figure 7*) to a microprocessor (201; Figure 6) and associated logic to select a specific cartridge (9) disposed within a module (4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Brown to include a microprocessor controlled vending mechanism functional with inserting a source of monetary value into the associated slot and making a selection of a particular product to be dispensed as disclosed by Kanoh because it would allow the vending machine to be disposed in remote locations without a need of a cashier to transact the transaction.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Kanoh as applied to claim 2 above, and further in view of Kaufman et al. (US 5,335,816).

Referring to claim 3. See above. Kaufman discloses a process wherein an interactive medication delivery system (Figure 4a and 6) is electronically linked to an access point (CPU; 22) and a voice recognition system (56; Col. 7 line 56-64) is used to send a signal to a cartridge selector (130) to dispense article 102).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Brown in view of Kanoh to include a voice recognition system to transmit a signal to a cartridge selector as taught by Kaufman because a voice recognition system would allow a user friendly interface with the vending machine.

Referring to claims 4 and 7. See above. Kanoh discloses a cartridge specific identification means (Col.3 line 50-62), whereby upon selecting an individual cartridge,

the identification designator (per each article 9) selects the particular for cartridge and engages a switch to dispense the article.

Referring to claims 8-11. See above. Kanoh discloses a pivotal latching means (15; Figure 5).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

Art Unit: 3654

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK  
July 19, 2006

  
GENE O'CRAWFORD  
SUPERVISORY PATENT EXAMINER